

or in any disposition to injure or retard the rival enterprize, must be apparent from the fact that the location which has been adopted, rarely, and to a small extent only, varies from the position which had been originally selected, before any apprehensions existed of a collision with any competitor. Wherever these variations have occurred, they have been demanded by a due regard to the interests of the Canal company; they were made without the slightest reference to an interference with any other party; and they do not exceed, in amount, those deviations from every original plan of construction, when it is required to be reduced to practical operation.

The contracts for the sections at the lower Point of Rocks were made under authority of an order of the Board, of the 14th of January, some days ulterior to the date of the resolution of the Rail Road company; and definitive arrangements were, at the same time, made, to place the entire line to the Falls, above Harper's Ferry, under contract.

The original location of the Canal, in some few instances, carried its outward embarkments further into the bed of the River than ever was deemed advisable. The object of this location was to avoid the expense and labor of excavating the precipitous rocks, which impinged upon the river. "The selection was to be made between two difficulties, and the determination of the question involved considerations of present expense and future security. In some few instances, a more precise examination of the ground, with a view to the actual construction of the work, has induced the few alterations to which reference has been made. The experience of the Company, as well as the skill of its Engineers, combined to confirm the propriety of these changes."

From these, and other facts, and reasons, which could be adduced, did the limits of this report allow, the undersigned are clearly of opinion that the location was not made, or changed, or varied, for any other purpose than that of allowing the desirable and valuable ends of security, convenience, and economy, in the construction of the work.

The undersigned would, therefore, give it as the result of their inquiry and deliberations upon this part of the subject, that the Chesapeake and Ohio Canal company are not justly obnoxious to the censure or disapprobation of this Legislature, in consequence of any proceedings on their part, upon the resolution of the last General Assembly; and that they have done nothing to forfeit all claims to the continued favor and liberality of this State.